

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE COMMUNICATION

OPERATIONAL MEMO 111-14
Revision 1

September 30, 1999

TO: All Waste Management Division Supervisors

FROM: Jim Sygo, Chief
Waste Management Division

SUBJECT: Tracking Procedures for Compliance Requirements in
Hazardous Waste Facility Permits and Orders

This memorandum outlines the procedures to standardize how compliance requirements in hazardous waste facility construction permits/operating licenses (permits) and administrative/judicial orders (orders) shall be monitored or tracked by Waste Management Division (WMD) Hazardous Waste Program Section (HWPS), Enforcement Section (ES), and District staff. The key components of this procedure are 1) timely preparation of a *Tracking Outline* or *Database* by the permit/order writer, 2) assignment of a single *Tracking Coordinator* to monitor compliance requirements, and 3) identification of the *Responsible Staff Person* for each compliance requirement task.

Tracking Outline/Database Preparation

The permit/order writer shall prepare the Tracking Outline or Database using, Microsoft Word or Access, respectively, as soon as possible after issuance of the permit or order to ensure that early compliance dates are not missed. The preparer shall identify 1) the items to be tracked (i.e., discrete tasks, such as initiating or ceasing a specific activity; conducting sampling; submittal of a work plan; review of a work plan; and implementation of a work plan), 2) the estimated or specified task completion dates, and 3) the person who most likely will be responsible for follow-up on each task. Items to be tracked include both the facility's specific compliance requirements and the WMD's response dates. An example of the Tracking Outline format using Microsoft Word is included in the attachment to this memo. Some familiarity with the use of Access is required to set up and enter information into the Tracking Database. The use of a Tracking Database, as opposed to a Tracking Outline, is recommended for permits or orders with complex compliance requirements that may require multiple sorting or reporting options. Assistance in setting up the Tracking Database, creating standard queries, and making the database "user-friendly" may be obtained from Steve Buda, HWPS, or Rick Rusz, ES.

All compliance tasks and dates identified in the permit/order shall be entered into the Tracking Outline/Database. It should be recognized that a number of compliance dates

may be "soft," that is, the task is contingent upon the completion of a previous task. In those instances, an estimated date shall be identified so that the Tracking Coordinator can effectively monitor task progress. If the task has not been completed by the estimated date, the Tracking Coordinator may establish a revised estimated date so that the task can continue to be monitored.

Tracking Outline/Database Distribution

The staff person who prepares the Tracking Outline/Database must distribute it in DRAFT form to all staff identified in the Tracking Outline/Database as being responsible for follow-up on listed tasks, and their supervisors. This may be done by sending an interoffice or e-mail memo which provides the location of the computer file for the DRAFT Tracking Outline/Database on the WMD shared drive so it can be accessed by all staff. The memo (see attached example) will also inform staff and supervisors of their roles and responsibilities concerning follow-up after permit issuance/order entry and to provide everyone with an opportunity to comment on the Tracking Outline/Database before it is finalized. After revising the DRAFT Tracking Outline/Database as necessary to address comments that were received, an e-mail memo providing the location of the shared computer file for the finalized Tracking Outline/Database shall be distributed by the preparer to appropriate staff and supervisors. A printed copy of the FINAL Tracking Outline/Database, which lists all of the initial compliance requirements and dates before tracking activities begin, shall be placed in the appropriate Section and District files.

Permit/Order Compliance Requirement Tracking Roles and Responsibilities

The Tracking Coordinator is responsible for tracking the permit/order compliance requirements to ensure that all listed tasks are being completed as scheduled. The Tracking Coordinator is most likely to be the staff person who has the majority of tasks to track or provide follow-up on a particular permit/order. Identification of the Tracking Coordinator may be recommended by the staff person who drafts the Tracking Outline/Database, but shall ultimately be agreed upon by the appropriate supervisors.

The responsibility of the Tracking Coordinator is to monitor and record completion of all tasks listed in the Tracking Outline/Database and to maintain a back-up copy of the Tracking Outline/Database in a separate location from the shared drive version of the file. The Tracking Coordinator is also responsible for providing printouts of reports from the Tracking Outline/Database to the appropriate WMD staff, on an as-needed basis. The Responsible Staff Person who has been identified to review/approve a document or provide other follow-up for each specific facility compliance date shall notify the Tracking Coordinator by the actual or estimated due date in the Tracking Outline/Database of the date by which the task was completed. This includes dates for the facility's activities (e.g., work plan and report submittal dates and sampling dates) and the Responsible Staff Person's activities (e.g., technical review comment letters, approval letters, and inspections to verify completion of compliance requirements). Ideally, the Tracking Coordinator should receive and record a status update from the Responsible Staff Person by the due date of each task. This can be accomplished either by including the Tracking Coordinator on the carbon copy list on letters acknowledging receipt of plans, data, or other submittals, or with an e-mail note.

If a facility compliance date is missed, the Responsible Staff Person must both notify the Tracking Coordinator and initiate appropriate action to ensure the task's completion. It is ultimately the Tracking Coordinator's responsibility to follow-up on the task status if an update is not received from the Responsible Staff Person by the due date or shortly thereafter. For tasks with estimated due dates, the Tracking Coordinator and Responsible Staff Person shall jointly determine the appropriateness of revising the estimated dates in the event they are not achieved. This may require amending the permit or order, following the proper procedures. If revision of the estimated due dates becomes protracted, it is the responsibility of the Tracking Coordinator, in coordination with the Responsible Staff Person, to initiate appropriate action to ensure completion of the task. This may include initiating enforcement action, seeking stipulated penalties, and obtaining the assistance of other staff in the HWPS, ES, and/or District, depending upon the seriousness of the nature of the tasks that were not completed in accordance with the permit/order compliance requirements. If the facility's inability to complete tasks in a timely manner is caused by the inaction or workload of the Responsible Staff Person, the Tracking Coordinator and/or Responsible Staff Person shall bring the matter to the attention of their supervisor(s) for resolution, if appropriate.

Supervisors of each program staff person involved in a particular Tracking Outline/Database are responsible for monitoring their staff's activities.

Attachments

A handwritten signature in black ink, appearing to read "J. L. Lugo", is written over a large, loopy circular mark.

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE COMMUNICATION

Date

TO: Ken Burda, Chief, Hazardous Waste Program Section
Waste Management Division

FROM: JoAnn Merrick, Chief, Enforcement Section
Waste Management Division

SUBJECT: Compliance Tracking/Review Responsibilities
Company Name - Consent Order No. WMD 111-_____

In an effort to assist Waste Management Division (WMD) staff in their oversight of the above-referenced enforcement order, a tracking [outline] OR [database] has been drafted which outlines the compliance tracking and review tasks associated with the order. **Please review the tentative assignments of Hazardous Waste Program Section (HWPS) staff and the estimated timing of reviews of submittals and provide your comments to me by DATE, so this tracking [outline] OR [database] can be finalized for staff use. The proposed Tracking Coordinator for this order is NAME.** The tracking [outline is a Microsoft Word table] OR [database is a Microsoft Access 97 database] which is located at p:/_shared/FILE NAME. Staff are referred to the share drive so it can be accessed as needed for compliance assessment purposes.

Staff assigned to this matter are encouraged to read the order carefully. The tracking [outline] OR [database] is intended to be a project management tool only, and different divisions of responsibility can be utilized. Please ask your staff to coordinate their activities closely so that the necessary tracking and review tasks are performed in a timely manner.

All staff involved in tracking compliance with this order are strongly encouraged to communicate frequently about this matter as it progresses and, if it appears that either the company or the Department of Environmental Quality (DEQ) may not meet an obligation, to bring that fact to the attention of their supervisors and appropriate HWPS and District staff as soon as possible.

Please note that the order contains a dispute resolution process (Section __, Paragraphs __ - __, pages __ - __) that establishes a mechanism to resolve disputes arising between the DEQ and COMPANY NAME during implementation of the order. This process, once initiated, may take a considerable amount of time and may affect the dates that certain deliverables are due. Staff should coordinate closely with Enforcement Section staff in the event a dispute arises.

As always, any violation of the order should be immediately brought to the attention of the Enforcement Section staff person assigned to this matter or, in their absence, to me.

Thank you for your attention to this. If you or your staff have any questions, please contact NAME of my staff at PHONE NUMBER, or me at 373-7938.

cc: Steve Buda, DEQ
De Montgomery, DEQ
District Supervisor/District Staff, DEQ-_____
HWPS Permits Unit Staff, DEQ
HWPS Technical Support Unit Staff, DEQ
Enforcement Staff, DEQ